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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,044	04/13/2000	Takashi Soga	0905-0233P-SP	7834

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HENN, TIMOTHY J

ART UNIT PAPER NUMBER

2612

DATE MAILED: 12/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,044

Applicant(s)

SOGA, TAKASHI

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the following minor informalities: On line 6, replace "are" with "is". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (US 5,806,072).

[claim 1]

4. In regard to claim 1, note that Kuba et al. discloses an imaging device for imaging a subject and outputting image data representing an image of the subject (Figure 1; Column 13, Lines 35-61), an image pickup theme setting device for setting an image pickup theme (Column 15, Lines 8-17; The office notes that since images can be stored in different subdirectories based on a theme, it is inherent that there will be a theme setting device which is necessary to set the imaging theme), a frame number storage device for storing, for the image pickup theme set by the image pickup theme

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setting device, a frame number (Figure 53, Column 5, Lines 45-55; Figure 60, Column 31, Lines 14-28; The office notes that for each subdirectory the counter is stored as the name of the last file that has been saved), a frame number incrementing device for incrementing the frame number of a theme every time a subject is imaged (Figure 53, Column 5, Lines 45-55; Figure 60, Column 31, Lines 14-28; The office notes that when saving a new image in a specific subdirectory, a new frame number is taken from the number of the previous directory entry and incremented to obtain a number for the new directory entry as is inherently shown in Figure 53), a storage control device for controlling the frame number storage device such that the incremented frame number is stored for the corresponding image pickup theme (Figure 53, Column 5, Lines 45-55; Figure 60, Column 31, Lines 14-28; The office notes that storing the new image in the appropriate subdirectory for the given theme will inherently store the frame number as the image's file name), and an image data recording control device for recording on a recording medium data representing the frame number incremented by the frame number incrementing device (Figure 53, Column 5, Lines 45-55; Figure 60, Column 31, Lines 14-28; The office notes that storing the new image in the appropriate subdirectory for the given theme will inherently store the frame number as the image's file name), and the image data outputted from the imaging device by the imaging under the image pickup theme set by the image pickup theme setting device with the data and the image data related to each other (Figure 53, Column 5, Lines 45-55; Figure 60, Column 31, Lines 14-28; The office notes that the image picked-up by the image pickup device is stored on the storage medium in a file whose name is based on the incremented frame

number).

[claim 3]

5. Claim 3 is a method claim corresponding to the apparatus claim 1. Therefore, claim 3 is analyzed and rejected as previously discussed with respect to claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (US 5,806,072) in view of Parulski et al. (US 5,633,678).

[claim 2]

8. In regard to claim 2, note that Kuba et al. discloses a digital still camera, which meets the requirements, set forth in claim 1 as discussed above. Therefore, it can be seen that Kuba et al. lacks an image pickup theme setting device which comprises an image pickup theme storage device for storing a plurality of image pickup themes and an image pickup theme selection device for selecting the image pickup theme out of the image pickup themes stored in the image pickup theme storage device.

9. Parulski et al. discloses an electronic camera, which captures images and categorizes them according to subject matter or "themes" stored by the camera and a theme selection device (Column 4, Line 56 – Column 5, Line 31) allowing the user to

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easily identify an image based on its category tag or "theme" stored along with the image that was selected by the user prior to photography. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a theme selecting device such as that disclosed by Parulski et al. to allow a user to select a theme prior to photography for storage along with the image that will allow the user to more easily identify the image later on.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in image pickup devices with themes and frame number counters.

- | | | |
|------|-----------------|--------------|
| i. | Anderson et al. | US 5,986,701 |
| ii. | Kawamura et al. | US 5,719,987 |
| iii. | Satoh et al. | US 5,717,496 |
| iv. | Hoyt et al. | US 6,085,195 |

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone

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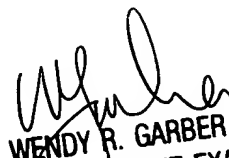
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number for the organization where this application or proceeding is assigned is (703)
872-9306.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 305-
3900.

TJH
11/19/03


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600